

## **V. Responsibilities:**

### **Functional Responsibilities:**

**MT-DES Duty Officer** will conference any calls the IC requests and moderate those conferences. Other than initial calls, the duty officer will be required to have a presence in the SECC for additional conference call capability and will notify the SECC manager for assistance.

**Montana State Hazardous Material Incident Response Team - SHMIRT** - is a cadre of trained personnel operating under an emergency response plan and appropriate SOPS. The team is expected to perform work to control the actual release or threatened release of hazardous material requiring close approach to the material; to respond to releases or threatened releases of hazardous material for the purpose of control or stabilization of the incident; and to provide technical assistance to local jurisdictions. The SHMIRT is under the direction of the IC. If requested they may provide technical guidance to the IC; however this does not release local response agencies from their duty to provide response functions. Team response functions may not require the team to be on site. Under no circumstances should the local jurisdiction expect the SHMIRT assume management of an incident.

**Incident Commander (IC)** will be in charge of all efforts at the scene including those of state agencies support personnel. The IC will be designated according to the local response plan. The IC shall be responsible for on-site communications and information releases to the public or press, enforcement investigation and site command and control. The IC has the authority to direct all response activities assuring life safety, environmental, and property protection. The IC determines when the emergency phase of the response should be terminated and when the incident should be assigned to the appropriate agency for follow-up.

**Primary Agencies** are given a standby notification that a hazardous materials incident has been called into the MT-DES. The standby notification provides the primary agencies with early notice of the incident and that they may be notified to join a conference call at a later time. They include any or all of the State Hazardous Materials Incident Response Team members, and the DEQ Duty Officer, and MT-DES.

**Local governments** - Local governments are responsible for the safety and welfare of their constituents. Emergency response is based on the principle that local authorities bear initial and continuing responsibility for emergency incident mitigation. Each local discipline is responsible for duties agreed to and defined in the LEOP. Those disciplines include but are not limited to; Law Enforcement, Fire Departments, Emergency Medical Responders, Search and Rescue, Public Works, and Elected Officials.

[Local government is also responsible to the collection of all response and cleanup expenses for the incident from the responsible party and reimbursing any state funding source that covers the initial expense of state response to an incident. (10-3-1216 (1) MCA)]

### **Responsibilities Common to All Agencies**

Designate agency personnel who will be made available and are capable of responding to hazardous materials emergencies, including regular updates as personnel and training levels change.

Designate specific state agency personnel to be on 24-hour call and insure their agency duty officer has this information available for notification and deployment by the MT-DES Duty Officer or the SECC.

Notify the MT-DES Duty Officer (406-841-3911) for reporting hazardous materials incidents.

Adhere to the provisions and procedures of the Montana Hazardous Materials Plan, i.e., this document.

Channel on-site media communications through the IC or the incident's designated Public Information Officer (PIO).

Cooperate with the directions of the IC for on-site emergency response activities.

Educate and train employees in hazardous materials response on a continuing basis as required by OSHA and EPA regulation (29 CFR 1910.120).

Participate in incident critique to aid in future prevention and improved emergency response.

Practice using provisions and procedures of the Montana Hazardous Materials Plan.

### **Responsibilities of Local Governments and Private Sector Organizations**

It is the responsibility of local jurisdictions and private sector organizations to understand and comply with the federal rules and regulations regarding hazardous material and response to hazardous material incidents. Those rules include but are not limited to SARA Title III, OSHA (1910.120) and Title 10 MCA.

While it is the statutory responsibility of the designated local organization or agency, to respond to hazardous material incidents, it **is not** the normal responsibility of said organization or agency to conduct removal or remedial action. The responsibility lies with the legally responsible party, be it the land owner, owner, buyer, shipper, manufacturer, or insurance carrier.

Each local government is required under the authority of Title 10-3-401 MCA to have an LEOP. In addition, every local jurisdiction must have completed a Local Emergency Response Plan or Annex for hazardous materials, with up-dates completed annually. A copy

of the plan, or its up-date, must be on file in the state office of MT-DES and be reviewed by MT-DES staff (10-3-401 MCA).

## **Responsibilities of State Agencies including Orphaned Hazardous Materials and Clandestine Drug Labs**

### **Governor's Office**

The Governor has overall responsibility to direct and control state government operations that support local emergency or disaster operations and to mitigate the dangers to the state and its citizens presented by a disaster or emergency. The Governor exercises emergency responsibilities by proclamation, executive order, or directive to facilitate emergency operations. All departments of state government support the Governor's efforts. The Governor or a designee may be requested to, participate in a conference call conducted during a hazardous materials incident. The Governor may authorize the use of the Environmental Contingency Grant Account funds for SHMIRT response. The Governor may determine to apply disaster funds to an incident. The Governor may activate the Montana National Guard, (MTNG) once a disaster is declared.

### **Department of Environmental Quality (DEQ)**

DEQ and its environmental health programs provide a variety of support to hazardous material incidents.

DEQ joins other state agencies in forming a cooperative resource for offering advice, guidance and assistance to hazardous material to the IC during incident stabilization. DEQ will be responsible for assuring the proper management of cleaning up the site and disposal.

As an agency, DEQ has a variety of roles and responsibilities. It advises the governor when an official assistance request might be made to the U.S. Coast Guard to use the Oil Spill Liability Trust Fund. If the governor is unavailable to make the request, the director of DEQ or administrator of MT-DES can make it.

Through its relationship with the EPA, the department can formally request that the EPA lend its expertise and financial resources to assist in emergency situations.

As the state's representative to the Federal Regional Response Team, DEQ can also access the expertise and materiel resources of a number of federal agencies and states in EPA Region VIII (which includes: North Dakota, South Dakota, Colorado, Utah, Wyoming and Montana). The response time for these resources generally will vary from several days to a couple of weeks.

The department's philosophy is the person or entity owning or contributing to the release of a hazardous substance(s) is responsible for properly cleaning up and disposing of the released substance(s). DEQ maintains a contract for hazardous material response and cleanup and has

the spending authority to have its contractor assist in situations if funds are available and the IC or responsible local official(s) formally request assistance. If the DEQ Director officially declares a situation an emergency, the contractor must have the capability to respond upon request.

Since the early 1980's, DEQ has participated with other state agencies in a 24-hour emergency response system. The system requires department volunteers to carry a portable radio for a week. DEQ person on duty acts as a communications link between hazardous material response calls that come into the Montana Highway Patrol's Central Communications Center to the MT-DES and the appropriate DEQ program personnel.

Due to Montana's geographic expanse and DEQ limited resources, the department's initial response is normally that of an advisor. A telephone conversation with the IC can be followed by DEQ personnel going to the accident site, within varying amounts of time, depending on location and weather conditions.

### **Department of Fish, Wildlife & Parks (FW&P)**

The DEQ Duty Officer will contact the department when there is a chance that hazardous material has or is likely to reach surface waters or cause damage to fish and wildlife unless consensus is reached between the DEQ Duty Officer and the MT-DES Duty Officer or SECC for MT-DES to make the notification.

The Department can provide technical information concerning the potential damage to the environment resulting from an incident. They can provide technical information to help minimize the loss of fish or wildlife resources associated with spills, help to ensure timely and effective clean-up, and encourage clean-up techniques that will minimize ancillary damage to fish and wildlife resources.

### **Department of Justice (DOJ)**

A Montana Highway Patrol Officer is often the first law enforcement officer to arrive at the scene of a hazardous materials incident on the highways of Montana. They can provide assistance with the collection of evidence and information necessary to support criminal and or civil proceedings. They possess the authority and have the capability of enforcing the motor carrier safety rules and standards, and any state laws, which govern the transportation of hazardous materials.

### **Department of Military Affairs**

- **Montana National Guard**

The Montana National Guard (MTNG), upon activation by the Governor, may provide assistance to civilian authorities in response to a hazardous materials spill or incident in order to protect the welfare, life, and property of the people of Montana.

The following are potential tasks and/or missions that the MTNG may be asked to provide in support of civilian agencies responding to a hazardous materials incident:

1. Public safety measures:
  - a. Traffic control and roadblocks (assist local law enforcement only).
  - b. Disaster search/relief and recovery.
  - c. Perimeter security and security of critical facilities (assist local law enforcement only).
  - d. Area evacuation (assist local law enforcement only).
2. Public health:
  - a. Emergency medical treatment (limited).
  - b. Limited aero medical evacuation.
3. Public welfare measures:
  - a. Emergency shelter.
  - b. Mass feeding and potable water supply
4. Transportation support.
5. Communication support.
6. Aviation and Logistics support.
7. Confined Space Rescue (Air National Guard)
8. EOD Response (Air National Guard)
9. Hazardous Material Response (Air National Guard)
10. Disaster Preparedness Assistance (Air National Guard)

- **Disaster and Emergency Services Division (MT-DES)**

MT-DES is charged with the responsibility for expediting and enhancing a coordinated State level response to disasters, emergencies, and incidents affecting the citizens of Montana, their property, and/or the environment.

The State Emergency Response Commission (SERC) has authorized the MT-DES to:

- Provide the federally mandated State Point-of-Contact (POC) for notification of reportable hazardous materials incidents.
- Serve as the single POC for a IC requesting activation of the State Hazardous Materials Plan.
- Serve as a clearinghouse regarding resource availability and other emergency-related services available through the State of Montana.

**MT-DES may be contacted, 24 hours-a-day, by simply calling:  
(406) 841-3911.**

Upon request of the IC, MT-DES is able to provide any or all of the following services:

1. Notification and Incident Reporting.
2. Limited Communications Services.
3. Resource Ordering of state owned resources and locating private resources for local jurisdictions.

4. Coaching Assistance with a MT-DES Agency Representative (designed to help guide local authorities through the bureaucratic maze surrounding disaster assistance and provide enhanced situational information to the SECC).

### **Department of Natural Resources and Conservation (DNRC)**

The Montana DNRC is assigned stewardship and management of just over 5 million acres of State Lands. Any hazardous materials incident occurring or threatening State Lands will require notification by the IC to the administrative DNRC office. The DNRC office will designate an agency administrator to work with the IC staff to represent the state's stewardship interests. DNRC provides technical incident management system coaching/assistance by phone or on-site at hazardous materials incidents when requested.

### **Department of Public Health and Human Services (DPPHS)**

The DPPHS primarily deals with the health of individuals and the public health of communities. The Department can provide supplemental technical assistance to local health departments and other local agencies and emergency response units. Department services include the services of the public health lab (microbiology and chemistry); epidemiological services to assess and to monitor the short and long-term impact of a hazardous materials spill on public health; specialized assistance regarding food and consumer safety issues; the provision of physician clinical toxicology services regarding the health impact of chemicals on individual and community health; and support of local emergency medical services and provision of a variety of social services functions. The Department serves as the single point of contact for Emergency Support Function of the Federal Emergency Response Plan, and as a conduit for activation of the National Disaster Medical System (NDMS). These services can range from small DMAT (Disaster Medical Assistance Team) to a full-fledged and fully staffed self-supporting medical facility, and transportation to out-of-state, designated NDMS hospitals.

### **Montana Department of Transportation (MDT)**

The MDT responsibility is the preservation of the entire highway system as defined in MCA 60-1-103, including surfaces, shoulders, roadside, structures and such traffic control devices as are necessary for its safe and efficient utilization. MDT's personnel may perform traffic control, statewide communications, signing, flagging, road closures, or provide equipment and material, when called upon by the IC or MT-DES.

## **Responsibilities of Federal Agencies**

### **Department of Defense (DOD)**

Support the IC, if the incident involves defense-related materials. Acts as the lead response agency within designated National Security areas.

### **National Park Service, Department of Interior (DOI)**

All-Hazard jurisdictions for National Parks and Monuments. The DOI manages lands under the jurisdiction of the National Park Service, National Wildlife Refuges and Federal Fish Hatcheries, the Bureau of Indian Affairs (BIA), and the Bureau of Land Management (BLM). DOI is contacted through the regional environmental officer (REO), who is a designated member of the Federal Regional Response Team (FRRT).

The DOI can provide natural resource expertise regarding fish, wildlife, threatened and endangered species habitats, migratory birds, soils, minerals, surface and ground water hydrology. They can also provide technological expertise regarding contaminants affecting habitat resources, analysis and identification of inorganic hazardous substances, metals, metallurgy relevant to site cleanup, coal mine wastes, land reclamation, engineering and laboratory research facilities.

### **Center for Disease Control (CDC)**

The Centers for Disease Control and Prevention (CDC) is recognized as the lead federal agency for protecting the health and safety of people – at home and abroad, providing credible information to enhance health decisions, and promoting health through strong partnerships. CDC serves as the national focus for developing and applying disease prevention and control, environmental health, and health promotion and education activities designed to improve the health of the people of the United States.

### **Agency for Toxic Substances and Disease Registry (ATSDR)**

Agency for Toxic Substance and Disease Registry (ATSDR) is directed by congressional mandate to perform specific functions concerning the effect on public health of hazardous substances in the environment. These functions include public health assessments of waste sites, health consultations concerning specific hazardous substances, health surveillance and registries, response to emergency releases of hazardous substances, applied research in support of public health assessments, information development and dissemination, and education and training concerning hazardous substances.

## **Environmental Protection Agency (EPA)**

The EPA may provide assistance when the responding agency is in a situation beyond the capability of the resources of the local agency. They provide expertise on the effects of hazardous material releases on human life and the environment. EPA may initiate containment and cleanup activities when the responsible party is incompetent, unwilling or unable to initiate a cleanup. The EPA is the Federal On-Scene Coordinator (OSC) as outlined in the National Contingency Plan. The OSC is the primary Federal representative at a response and is the point-of-contact for the coordination of federal efforts with the local response agency.

The following emergency response resources are available through the EPA at the direction of the OSC with a 2 to 18 hour response time, depending on the location of the incident:

- Oil and Hazardous Substance Spill Response
- Air Monitoring Equipment
- Radiological Monitoring Equipment
- Level “A” – “D” Entry Teams
- Air, Water and Soil Sampling
- Spill Containment/Remediation
- Technical Assistance
- Response to Nuclear, Biological and Chemical Incidents.

- **Environmental Response Team (ERT)**

The ERT supports EPA’s OSC’s with expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering. EPA’s ERT can provide 24-hour access to special decontamination equipment for chemical releases and advice to the OSC in hazard evaluation; risk assessment; multimedia sampling and analysis; on-site safety; cleanup techniques; water supply decontamination and protection; application of dispersants; and disposal. ERT support may be requested through the Federal OSC.

- **Coast Guard’s National Strike Force (NSF)**

The NSF is composed of three strategically located strike teams, a public information assist team, and a coordination center. The NSF has specially trained personnel and is equipped to respond to major oil spills and chemical releases. NSF response time to an incident is from 12 to 24 hours. The NSF provides response management, entry-level “A – C” site assessments, safety and action plan development, and documentation for both inland and coastal zone incidents. The coordination center maintains a national inventory list of spill response equipment. NSF support may be requested through the Federal OSC.

## **National Transportation Safety Board (NTSB)**

The NTSB has the federal responsibility for conducting transportation related accident investigations.



## **National Railroad Administration (NRA)**

The NRA has the responsibility for conducting investigations into railroad accidents.

## **Department of Energy (DOE)**

The Federal Radiological Emergency Response Plan outlines each federal agency's responsibility. The DOE is the primary agency for providing radiological monitoring and assessment assistance. DOE's support ranges from giving technical advice over the telephone to sending highly trained personnel and state-of-the-art equipment to the accident site to help identify and minimize any radiological hazards.

Radiological information, advice, or assistance can be requested by calling the nearest DOE Regional Coordinating Office (RCO). The DOE Regional Response Coordinator (RRC) decides what action is needed based upon the request. If necessary, the RCO sends a federal team to the accident site to help or advise the IC.

If the emergency escalates to a point that personnel and/or equipment are needed at the accident scene, the RCO coordinates the activation of a DOE Radiological Assistance Program (RAP) team. The RAP team's capabilities include field monitoring, spectrometry, sampling, decontamination, dedicated response vehicles, mobile laboratories, generator, communication, and aerial surveys. Personnel include radiological engineers, health physicists, medical, security, legal, and public information personnel, and industrial hygienists. Should the emergency require monitoring and assessment resources exceeding those of the RAP team, a Federal Radiological Monitoring and Assessment Center, where all the federal agencies provide support, is established.

After the immediate threat of the accident has passed, the lead federal radiological monitoring and assessment role is transferred from DOE to EPA.